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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 SERGIO BAUTISTA MANZO,

15 Defendant.

CASE NO. 16cr638-LAB-1

**ORDER GRANTING IN PART MOTION
FOR RETURN OF PROPERTY**

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17 Defendant Sergio Bautista Manzo filed a motion for return of certain personal property
18 pursuant to Fed. R. Crim. P. 41(g). The government filed a response stating that some of
19 the property was destroyed about eight months before he requested its return. Rule 41(g)
20 does not provide a remedy for property that no longer exists. *Ordonez v. United States*, 680
21 F.3d 1135 (9th Cir. 2012). The government notes he *may* have recourse under 31 U.S.C.
22 § 3723.

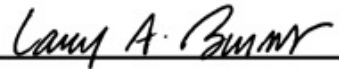
23 But as to the property the government still has (\$240 and a cell phone), it stands
24 ready to return that to Bautista Manzo. As to the \$240 and the cell phone, the motion is
25 **GRANTED**. As to the other property, the motion is **DENIED** without prejudice to his seeking
26 a remedy under 31 U.S.C. § 3723.

27 Bautista Manzo is directed to notify Assistant U.S. Attorney Michael Lasater in writing
28 where he would like the money and cell phone sent. He should contact Mr. Lasater in writing

1 in care of the U.S. Attorney's office for the Southern District of California, and should provide
2 the name and address of the person he wants the money and cell phone sent to. The
3 government may send the \$240 as a check made payable to Bautista Manzo, or to another
4 person as Bautista Manzo may direct.

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6 **IT IS SO ORDERED.**

7 DATED: August 11, 2017

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9 **HONORABLE LARRY ALAN BURNS**
10 United States District Judge
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